

IN RE: PETITION FOR VARIANCE
E/S Pfeiffer Road, 825' of
centerline of Bradshaw Road
11th Election District
5th Councilmanic District
11203-B Pfeiffer Road
Concetta Diamond
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 99-415-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for variance filed by the legal owner of the subject property, Concetta Diamond. The variance request is for property located at 11203-B Pfeiffer Road located in the Kingsville area of Baltimore County. The variance request is to allow side yard setbacks of 18 ½ ft. each for a proposed dwelling and garage in lieu of the minimum required 50 ft. each. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the request were Carl and Suzanne Diamond, son and daughter-in-law of Concetta Diamond, the property owner, and Buck Jones, their house builder. There were no other persons in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 1 acre, more ore less, zoned R.C.5. The subject property is sandwiched between Pfeiffer Road and Bradshaw Road, in the Kingsville area, in Baltimore County. The property is approximately 82 ft. in width and roughly 530 ft. in depth. The property is unimproved at this time.

Testimony revealed that Concetta Diamond and her husband purchased their house on Pfeiffer Road in 1964. In 1975, the Diamonds had an opportunity to purchase this unimproved lot which is the subject of the hearing before me. They purchased the lot in 1975, intending that some day one of their children would build a house on it. At the present time, Carl and his wife Suzanne wish to

COPIES FILED IN DEPT. OF ZONING

Date

6/10/99

Concetta Diamond

construct a single family dwelling as shown on the site plan. In order to proceed with their plans, the variance request is necessary.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973).

To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

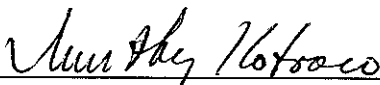
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED this 10th day of June, 1999, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1A04.3.B.3 to allow side yard setbacks of 18 ½ ft. each for a proposed dwelling and garage in lieu of the minimum required 50 ft.

each in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at his time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

6/10/99
R. G. Jameson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 11, 1999

Ms. Concetta Diamond
11203 Pfeiffer Road
Baltimore, Maryland 21021

Re: Petition for Variance
Case No. 99-415-A
Property: 11203 Pfeiffer Road

Dear Ms. Diamond:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11203 - B Pfeiffer Road

which is presently zoned R.C.5

This Petition shall be filed with the Office of Zoning Administration & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3.B.3.

To allow side yard setbacks of 18 1/2 ft. each for a proposed dwelling & garage in lieu of the minimum required 50 ft. each.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship and practical difficulty)

Requesting a side yard set back of 18.5' on each side in lieu of the 50' side yard set back due to the shape of the lot.

Property is to be posted and advertised as prescribed by Zoning Regulations

1, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm under the penalties of perjury that I am the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee

Buck Jones
(Type or Print Name)

Buck Jones
Signature

500 Vogts Lane
Address

Baltimore, Md 21221
City State Zipcode

Attorney for Petitioner
(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s)

Concetta Diamond
(Type or Print Name)

Concetta Diamond
Signature

(Type or Print Name)

Signature

11203 Pfeiffer Road
Address Phone No.

Baltimore, Md 21021
City State Zipcode

Name, Address and phone number of representative to be contacted

Buck Jones
Name

500 Vogts Lane 410-574-9337
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1.00 hr
unavailable for hearing

the following date _____ Next Two Months

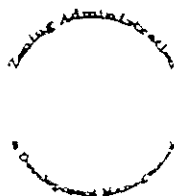
ALL ☒ OTHER ☐

REVIEWED BY JH DATE 4-20-99

ORDER RECEIVED FOR FILING
Date 6/10/99



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on Recycled Paper



44.415-A

415

EXAMPLE 3 -- Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 11203 - B Pfeiffer Road
(address)

Beginning at a point on the east side of
(north, south, east or west)

Pfeiffer Road which is 30'
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 825' south of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Bradshaw Road
(name of street)

which is 40' wide. *Being Lot # n/a,
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of Bradshaw
(name of subdivision)

as recorded in Baltimore County Plat Book # 5581, Folio # 912.

containing 43,560.1. Also known as 11203 Pfeiffer Road
(square feet or acres) (property address)

and located in the 11 Election District, 5 Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber __, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E.87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

415

99-415-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Item No. 415 066467

DATE 4-20-99 ACCOUNT R-001-6150

AMOUNT \$ 50.00

RECEIVED FROM: Buck Jones

FOR: Residential Variance Filing Fee
11203-B Pfeiffer Rd.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

4/20/1999 4:20 PM THE
REL 1092 CASHIER LGD LXS DOWNEY
MISCELLANEOUS RECEIPT
RECEIPT # 066467
CR NO. 066467

Receipt Tot 50.00
BALANCE 50.00
Baltimore County, Maryland

CASHIER'S VALIDATION

99-415-A

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #99-415-A
11203-B Pfeiffer Road
E/S Pfeiffer Road, 825' S of
centerline Bradshaw Road
11th Election District
5th Councilmanic District
Legal Owner(s):
Concetta Diamond
Contract Purchaser:
Buck Jones

Variance: to allow side yard setbacks of 18-1/2 feet each for a proposed dwelling and garage in lieu of the minimum required 50 feet each.

Hearing: Monday, June 7, 1999 at 11:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

5/30/99 May 20 C313195

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/20/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/20/, 1999

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE Case No. 99-415-A

Petitioner/Developer DIAMOND, ETAL
% BOCK JONES

Date of Hearing/Closing 6/7/99

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention Ms Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at # 112038 PFEIFFERS RD.

The sign(s) were posted on

5/23/99
(Month, Day, Year)

Sincerely,

Patrick M. O'Keefe 5/28/99
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE

(Printed Name)

523 PENNY LANE

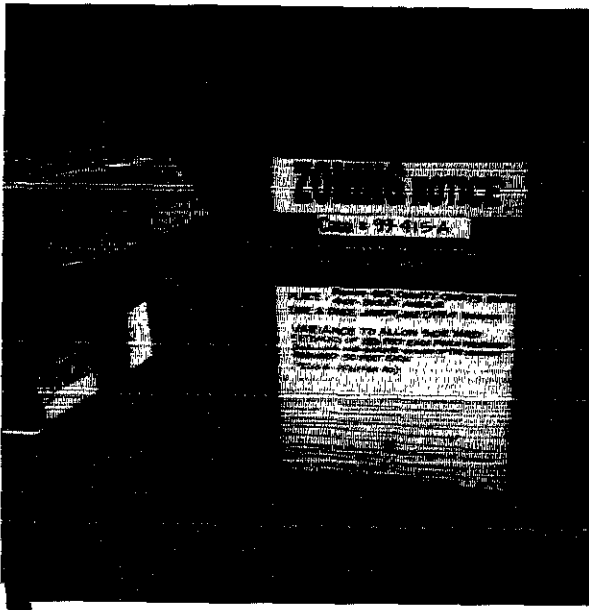
(Address)

HUNT VALLEY, MD. 21030

(City, State, Zip Code)

410-666-5366 ; CELL-410-905-8571

(Telephone Number)



99-415-A
112038 - PFEIFFERS RD.
DIAMOND / BOCK JONES 6/7/99

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-415-A

Petitioner: Concetta Diamond

Address or Location: 11203 Pfeiffer Road, Baltimore, Md 21021

PLEASE FORWARD ADVERTISING BILL TO:

Name: Buck Jones

Address: 500 Vogts Lane, Baltimore, Md 21221

Telephone Number: 410-574-9337

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-415-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A variance to allow side yard setbacks of
18 1/2 ft. each for a proposed dwelling & garage in lieu
of the minimum required 50 ft. each.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 5, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-415-A
11203-B Pfeiffer Road
E/S Pfeiffer Road, 825' S of centerline Bradshaw Road
11th Election District – 5th Councilmanic District
Legal Owner: Concetta Diamond
Contract Purchaser: Buck Jones

Variance to allow side yard setbacks of 18-1/2 feet each for a proposed dwelling and garage in lieu of the minimum required 50 feet each.

HEARING: Monday, June 7, 1999 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

c: Concetta Diamond
Buck Jones

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MAY 23, 1999.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
May 20, 1999 Issue – Jeffersonian

Please forward billing to:

Buck Jones 410-574-9337
500 Vogts Lane
Baltimore, MD 21221

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-415-A

11203-B Pfeiffer Road

E/S Pfeiffer Road, 825' S of centerline Bradshaw Road

11th Election District – 5th Councilmanic District

Legal Owner: Concetta Diamond

Contract Purchaser: Buck Jones

Variance to allow side yard setbacks of 18-1/2 feet each for a proposed dwelling and garage in lieu of the minimum required 50 feet each.

HEARING: Monday, June 7, 1999 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Date: May 18, 1999

TO: Arnold Jablon
FROM: R. Bruce Seeley */RBS*
SUBJECT: Zoning Item #415

11203-B Pfeiffer Road

Zoning Advisory Committee Meeting of

- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
 - Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
 - Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
 - Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).
- X GWM: Revised plans must be submitted to this office before approval of a building permit (410-887-2762).

B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: May 13, 1999

FROM: *pub* Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for May 10, 1999
 Item Nos. 413, 415, 417, 419, and 420

 The Bureau of Development Plans Review has reviewed the subject
zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZAC05109.NOC



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

May 7, 1999

Arnold Jablon, Director
Joint Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1109

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 6, 1999

Item No.: See Below

Index Agenda:

Re: Reclamation:

Further to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plan for the property.

2. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

410, 411, 414, 415, 416, 417, 418, and 419

REVIEWER: LT. PEPPE TAYLOR
Fire Marshal's Office, PHONE 410-4331, MO-11029
cc: File

Come visit the County's Website at www.co.ba.md.us



Jim
u/h

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: May 11, 1999

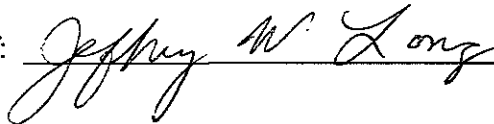
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 415

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

_____

AFK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: -----

FROM: R. Bruce Seeley, Project Manager
Development Coordination
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date: 5/3/99

The Department of Environmental Protection and Resource Management has
no comments for the following Zoning Advisory Committee Items:

Item #'s:

415

416

417

419

422

*99-403-SPH

RE: PETITION FOR VARIANCE
11203-B Pfeiffer Road, E/S Pfeiffer Rd,
825' S of c/l Bradshaw Rd, 11th Election District,
5th Councilmanic

Legal Owners: Concetta Diamond
Contract Purchaser: Buck Jones


Petitioner(s)


* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-415-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of May, 1999, a copy of the foregoing Entry of Appearance was mailed to Buck Jones, 500 Vogts Lane, Baltimore, MD 21221, representative for Petitioner(s).


PETER MAX ZIMMERMAN



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4.30.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 415 JJS

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

10 Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

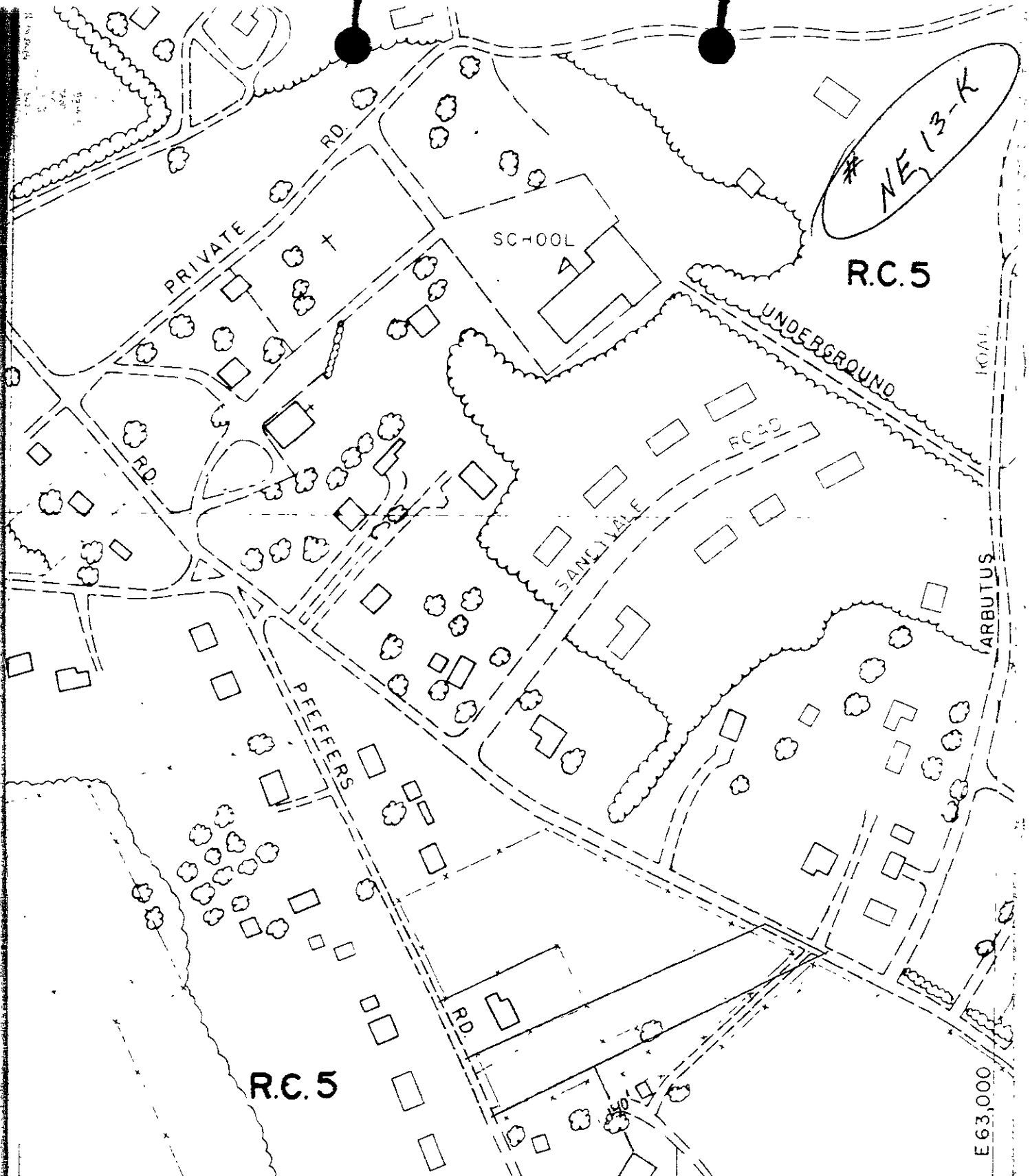
BUCK JONES

500 VOLTS LANE

BAIT. MD. 21221

Karl Diamond
Suzanne Diamond

213 Lodgecliff CT
Abingdon MD 21009



(SHEET NO. 1)

#415

99.415-A

BALTIMORE
OFFICE OF PLANN
OFFICIAL ZC

99-4/5-A

REARVIEW MIRROR, FOR EXAMINATION OF VEHICLE

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10/10/99